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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,744	02/07/2002	Robert J. Hunter	P11684	2875

25694 7590 05/05/2005

INTEL CORPORATION
P.O. BOX 5326
SANTA CLARA, CA 95056-5326

EXAMINER

ELAMIN, ABDELMONIEM I

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/071,744

Applicant(s)

HUNTER, ROBERT J.

Examiner

A Elamin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-9, 12-18, are rejected under 35 U.S.C. 102(e) as being anticipated by Springer, US. Pat. No. 5,936,608.
2. Claims 1, 12-13, Springer teaches a computer system [*computer system 100 of Fig. 2*], comprising;

a display screen [*display 80 of Fig. 2*]; and

a control device [*col. 3, lines 3-14*] to select two or more portions of the display screen to be brighter than remaining portions of the display screen [*keeping the window of focus and all icons bright, col. 6, line 67 thru col. 7, line 3, col. 5, lines 37-41*] in accordance with a display power management protocol [*abstract, col. 3, lines 41-48, col. 7, lines 53-57*].
3. Claims 2-3, Springer teaches the display screen includes a plurality of backlights [*col. 1, lines 44-48*].
4. Claims 4-5, Springer teaches the display screen includes a plurality of light emitting pixels to be independently controlled [*col. 3, lines 19-25, 41-48*]
5. Claim 6, Springer teaches the two or more portions of the display screen is to be brighter than the remaining portions by an amount to be defined according to a user preference [*col. 5, lines 52-54*].

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6. Claim 7, Springer teaches the control device includes a pointer or cursor control [*mouse 195 of Fig. 2*].
7. Claims 8-9, Springer teaches the two or more portions are to include at least a portion of an active window, and the remaining portions are to include at least a portion of an inactive window [*abstract, col. 3, lines 32-37, col. 5, line 41-42*].
8. Claim 14, Springer teaches enabling the brightness of the two or more portions of the display screen to be adjusted comprises enabling the brightness to be increased if the two or more portions is determined to be a focus area [*col. 3, lines 15-41*].
9. Claim 15, Springer teaches the first portion is determined to be a focus area if the first portion includes an active window [*col. 3, lines 15-41*].
10. Claims 16-17, Springer teaches the two or more portions are determined to be a focus area if the two or more portions include a cursor [*col. 3, lines 15-41*].
11. Claim 18, Springer teaches enabling the brightness of the two or more portions of the display screen to be adjusted includes storing instructions in the computer system to adjust the brightness of the two or more portions of the display screen [*abstract*].

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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13. Claims 10-11, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Springer et al, US. Pat. No. 5, 936,608 in view of Sliber, US. Pat. No. 6,738,041.

14. Claims 10-11, 19-20, Springer fails to teach the control device includes a camera.

Silber teaches using a video camera to control cursor position [*title, abstract*].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Springer to include a camera, because it links the motion in a more intuitive way with the motion of the cursor on the screen [*see Silber, col. 1, lines 37-38*].

Response to Arguments

15. Applicant's arguments with respect to claim 1-20 have been considered but are moot in view of the new ground(s) of rejection.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to A Elamin whose telephone number is (571) 272-3674. The examiner can normally be reached on MON-FRI 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A Elamin
Primary Examiner
Art Unit 2116

April 30, 2005

A. ELAMIN
PRIMARY EXAMINER

